



CTC SOURCE
PROTECTION
REGION



CTC SOURCE PROTECTION COMMITTEE

Source Protection Committee Meeting #5/14

Chair: Susan Self

Tuesday, September 23, 2014

9:30 AM to 4:30 PM

Black Creek Pioneer Village, South Theatre

1000 Murray Ross Pkwy

Toronto, ON M3J 2P3

LUNCH served at noon

AGENDA

1. **Disclosure of pecuniary interest**
2. **Minutes**
 - 2.1 Approval of Minutes of Meeting #4/14 - June 24, 2014 1
 - 2.2 Business arising from the minutes
3. **Delegations**
4. **Correspondence**
 - 4.1
5. **Presentations**
6. **Items for Committee Action**
 - 6.1 Amended Proposed Lake Ontario Policies 2
 - 6.2 Amended Proposed Groundwater QUANTITY Policies 6
 - 6.3 Amended Proposed Water QUALITY Policies 8
 - 6.4 Establish a Working Group (WG) for the Amended Explanatory Document 11
7. **Items for Committee Information**
8. **New business**

Item 6.1

TO: Chair and Members of the Source Protection Committee Meeting #5/14,
September 23, 2014

FROM: Chris Darling, Planning Lead, CLOSPA

RE: **Amended Proposed Lake Ontario Policies**

KEY ISSUE

The CTC SPC must consider comments and make any revisions to the Amended Proposed Lake Ontario policies made during the 35 day consultation which closed August 22, 2014, prior to submitting the Amended Proposed Source Protection Plan and Amended Explanatory Document to the Chair of each Source Protection Authority, for submitting for approval to the Minister of the Environment and Climate Change.

RECOMMENDATION

WHEREAS the CTC Source Protection Committee (SPC) has received comments during the 35 day public consultation on revised Lake Ontario policies as part of the consultation on the Amended Proposed Source Protection Plan;

AND WHEREAS staff has had further discussions with staff of the Ministries of Environment and Climate Change (MOECC) and Government and Consumer Services (MGCS) and the Technical Standards and Safety Authority (TSSA) regarding their comments on Lake Ontario policies;

THEREFORE BE IT RESOLVED THAT the CTC SPC approves the staff recommendations for the Lake Ontario policies found in Attachment 1, subject to any further amendments made at its Meeting #5/14, to be held on September 23, 2014;

THAT the CTC SPC authorises the formation of a Lake Ontario Policy Working Group comprised of interested members to undertake the necessary actions leading to developing recommendations on those remaining Lake Ontario policies requiring further review;

THAT members shall advise Chair Self by the end of the Meeting #5/14 to be held on September 23, 2014 of their interest to sit on said WG;

THAT staff be directed to convene the necessary meetings and support the WG;

AND FURTHER THAT staff be directed to report back at Meeting #6/14, at a date to be scheduled for CTC SPC approval of the final policy text prior to Chair Self being authorised to submit the Amended Proposed Source Protection Plan and revised Explanatory Document to the Chair of each Source Protection Authority.

BACKGROUND

At CTC SPC meeting #4/14, held on June 24, 2014, by RES. #31/14 the CTC SPC approved

revised Lake Ontario policies as part of the CTC Amended Proposed Source Protection Plan for a 35 day public consultation. In addition, by RES. #32/14 the CTC SPC directed staff to continue meeting with MOECC staff regarding policies **LO-SEW-3 and LO-FUEL-2** through the 35 day consultation period and report back on any further resolution to these policies.

Also related to the Lake Ontario policies, staff was directed by RES. #33/14 to write a definition for 'magnitude' to be included in the Explanatory Document (see Item 6.x in this agenda for a description of the action taken).

Meeting July 31, 2014 with MOECC regarding LO Policies Requiring Modelling and Instrumentation

John Westlake (CTC SPC Liaison) arranged a meeting with MOECC staff on July 31, 2014, at the offices of the Environmental Monitoring and Reporting Branch. Bill Snodgrass from the City of Toronto (who is most familiar with the three dimensional modelling) attended on behalf of the CTC along with technical staff of the Environmental Monitoring and Reporting Branch and Kathryn Baker the CTC review coordinator from Source Protection Programs Branch. This meeting was a follow up to the meeting held May 21, 2014 at MOECC offices with directors and senior staff of the two MOECC branches and a number of CTC SPC members and staff where the modelling and instrumentation policies were discussed.

The purpose of the July 31st meeting was to provide a forum for technical staff (who did not attend the May 21st meeting) to develop a common understanding of the need and rationale for modelling and instrumentation requirements set out in a number of the proposed Lake Ontario policies. The MOECC objections to these policies appear to come from the technical staff of the Environmental Monitoring and Reporting Branch. It was hoped that a face-to-face meeting amongst the technical experts would help to reduce some of the concerns and explain the technical rationale for why three dimensional modelling and instrumentation was an important element in protecting Lake Ontario municipal intakes. In the comments received on August 29, 2014, MOECC staff suggests there may be value in additional meetings and follow up before the policies that they are concerned with are finalized (see table below).

Meeting August 22, 2014 with MOECC, MGCS, and TSSA on LO-FUEL-1

MOECC arranged a meeting on August 22, 2014 at their offices to discuss several fuel policies including LO-FUEL 1, 2 and 3. In attendance were senior and technical staff from the MOECC, MGCS and TSSA: John Westlake, Ling Mark, Wendy Lavender and Kathryn Baker, (MOECC); Sarah Jeffrey-Hampton, Hussein Lalani, and Wiam Joudi (MGCS); Wilson Lee, and Jonathan Tsao (TSSA) and Beverley Thorpe, CTC Project Manager and Kathy Padgett (TRCA).

There was consensus reached with TSSA and MGCS on revising wording of LO-FUEL 1 related policies to use terminology that better reflects terms used in the fuel regulation program. MGCS and TSSA staff are also preparing comments on the draft Explanatory Document related to policies where either agency is named. When received, these comments will be considered in the finalized the Amended Explanatory Document (see related Item 6.4).

MOECC raised separate concerns about their powers to require the implementation of risk reduction plans as required by this policy as well as concerns with LO-FUEL 2 and 3. Further discussion of alternative approaches may be warranted as identified in the MOECC comments received August 29, 2014.

Consultation Comments

Pursuant to the 35 day public consultation, closing on August 22, 2014, staff received comments on CTC policies from all three Source Protection Authorities in the CTC Region, ten municipalities, five provincial ministries, two industries, three members of the general public, and three public interest/others. Specific comments in support for the Lake Ontario policies were received from the City of Toronto and Regions of Durham and York, the three Source Protection Authorities and one public interest group. Region of Peel staff reiterated their previous support for all the policies.

Staff has analysed these comments and prepared tables which are found in **Attachment 1** outlining recommended policy wording and response to specific comments. Proposed Policies for which no amendments are proposed are in black text. The amendments to the Proposed Policies, which were provided for consultation, are shown in red text. Where the CTC SPC is being asked to make a decision to further revise a policy, these policies include staff recommended amendments in red text highlighted in yellow. Below each policy, is information on the comments received on the policy, who made the comments and staff response to the comment.

MOECC Comments

On June 18, 2014 the three Source Protection Authority Chairs received the formal comments on the CTC Proposed Source Protection Plan from the Director, Source Protection Programs Branch (http://www.ctcswp.ca/wp-content/uploads/2012/10/Attach1_LTR_20140618_CTCDirectorsLetter.pdf). These comments built on the earlier draft comments (in the case of Lake Ontario policies received on April 11, 2014) while reflecting the outcome of amendments which were discussed with MOECC staff. The June 18, 2014 comments are not significantly different than the April 11, 2014 ones. However the CTC SPC has not yet had the opportunity to explicitly consider the comments which vary from the April 11 version as the formal comments were received too late to do so before the SPC approved policies for consultation at Meeting #4/14 held on June 24, 2014.

On August 29, 2014, MOECC staff sent comments in response to the consultation. These comments referenced the earlier comments on Lake Ontario policies as well as including a new comment requesting deletion of LO-SEW-4. The latest comments also suggested continued meetings would be helpful to try to reach consensus. The MOECC August 29, 2014 comments also advised that: "... *There is an opportunity for the committee to further consider and revise the policies this fall, and we will continue to support the committee to develop policies that meet CTC's policy goals while meeting the objectives of Section 22 of the Clean Water Act (CWA) and are implementable by the province... to achieve policies consistent with the Clean Water Act the Minister's options will be to amend the policies or to return the policies to the committee for further consideration and revision ...*".

Recommended Actions

There are a number of significant issues that staff recommends require further discussions with the SPC and MOECC staff before the SPC makes decisions on the final wording of some of the Lake Ontario policies related to additional monitoring, modelling and research.

Staff recommends that a Lake Ontario Working Group (WG) comprised of interested SPC members be appointed to work with CTC staff to further assess the MOECC comments and identify options for possible resolution. Chair Self will sit as an *ex-officio* member.

Proposed Lake Ontario Working Group Composition

CTC staff recommends that the Lake Ontario Working Group (LO-WG) is composed of interested CTC SPC members representing the three committee groupings (municipal, economic sectors and general interest) in addition to Chair Self who is as an *ex-officio* member of any working group. The WG may wish to convene meetings with MOECC staff as part of their deliberations.

It is requested that CTC SPC members who are willing to sit on the LO-WG (also if they wish to be the chair) **advise Chair Self by the end of the meeting on September 23, 2014**. WG members and Chair will be selected by Chair Self. WG members will receive per diems for meetings and review time and travel expenses to meetings in accordance with standard CTC SPC practice.

Tasks and Schedule

It is anticipated that a minimum of two meetings of one-half day duration each will be needed to discuss the issues and develop recommendations. CTC staff will prepare and provide all necessary materials for review by the WG and for the CTC SPC approval. The work should be completed within six weeks of LO-WG formation. Additional meetings may be scheduled at the discretion of the LO-WG as required.

NEXT STEPS

Pending the CTC SPC decision on Lake Ontario policies, at Meeting #5/14, to be held on September 23, 2014, staff will revise the table found as **Attachment 1** to show all FINAL Amended Proposed Lake Ontario Policies. Staff will also prepare revised explanatory material where needed to provide additional rationale and explanation for individual Lake Ontario policies. Pending the formation of the LO-WG, where the SPC is not yet in a position to make a final decision, staff will work on preparing revisions to remaining policies with the LO-WG for the CTC SPC approval.

At meeting #6/14, to be scheduled, staff will seek approval of the complete revised Amended Proposed Source Protection Plan and revised Explanatory Document. Following approval, of the Amended Proposed Source Protection Plan and the revised Explanatory Document for the CTC Source Protection Region will be submitted to the Chair of each Source Protection Authority and jointly re-submitted to the Minister of the Environment and Climate Change for approval with a target of November, 2014.

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Date: September 10, 2014

Attachment: 1 - Amended Proposed Lake Ontario Policies (provided under separate cover)

Item 6. 2

TO: Chair and Members of the Source Protection Committee Meeting #5/14, September 23, 2014

FROM: Colleen Bonner, Planning Lead, CVSPA

RE: **Amended Proposed Groundwater QUANTITY Policies**

KEY ISSUE

The CTC SPC must consider comments on the Amended Proposed Groundwater Quantity policies made during the 35 day consultation which closed August 22, 2014, prior to submitting the Amended Proposed Source Protection Plan and revised Explanatory Document to the Chair of each Source Protection Authority.

RECOMMENDATION

WHEREAS the CTC Source Protection Committee (SPC) has received comments during the 35 day public consultation on amended proposed water quantity policies as part of the consultation on the Amended Proposed Source Protection Plan for the CTC Source Protection Region;

AND WHEREAS staff has prepared an analysis of the comments and recommended actions to address the comments where required;

THEREFORE BE IT RESOLVED THAT the CTC SPC approves the staff recommendations for the WATER QUANTITY policies found in Attachment 1, subject to any further amendments made at its Meeting #5/14, to be held on September 23, 2014;

AND FURTHER THAT staff be directed to report back at Meeting #6/14, at a date to be scheduled for CTC SPC approval of the final policy text prior to Chair Self being authorised to submit the Amended Proposed Source Protection Plan and revised Explanatory Document to the Chair of each Source Protection Authority.

BACKGROUND

At CTC SPC meeting #4/14, held on June 24, 2014, by RES. #29/14 and RES. #30/14 the CTC SPC approved amended proposed water quantity policies for a 35 day public consultation.

Consultation

During the 35 day public consultation, closing on August 22, 2014, staff received comments on the CTC Amended Proposed Source Protection Plan policies from all three Source Protection Authorities in the CTC Region, ten municipalities, five provincial ministries, two industries, three members of the general public, and three public interest/others. A number of the comments were general while others focussed on specific policies and suggested revisions or clarifications. In total 13 parties out of 26 made comments on one or more water quantity policy.

Staff has analysed these comments and prepared tables which are found in **Attachment 1** outlining recommended policy wording and response to specific comments. Proposed water quantity policies for which no amendments are proposed are shown in black text. The amendments to the proposed policies, which were approved for consultation, are shown in red

text. Where the CTC SPC is being asked to make a decision to further revise a policy, these policies include staff recommended amendments in red text highlighted in yellow. Below each policy, is information on the comments received on the policy, who made the comment and staff response to the comment.

At Meeting #5/14 to be held on September 23, 2014, staff will lead the CTC SPC through discussion of those policies where additional revisions are recommended to facilitate the CTC SPC reaching a decision on each policy.

Recommended Actions

Based on the comments received, there are a number of policies that staff recommends be discussed by the SPC regarding minor issues which should be resolved at Meeting #5/14:

- Roles of provincial ministries in supporting the Joint Municipal Water Management model (DEM-6 and DEM-7);
- Revisions regarding REC-1 to improve clarity and provide more flexibility to implement;
- Discuss workload municipal concerns re REC-2 and clarification of what activities are intended to be subject to policy; and
- Confirmation that REC-3 is to apply to only existing significant quantity threat activities

NEXT STEPS

Pending the CTC SPC decisions on Water Quantity policies at Meeting #5/14, to be held on September 23, 2014, staff will revise the table found as Attachment 1 to show all FINAL Amended Proposed Water Quantity Policies. Staff will also formalize revised explanatory material where needed to provide additional rationale and explanation for individual water quantity policies.

At meeting #6/14, to be held scheduled staff will seek approval of the complete revised Amended Proposed Source Protection Plan and revised Explanatory Document. Following approval, the Amended Proposed Source Protection Plan and the revised Explanatory Document for the CTC Source Protection Region will be submitted to the Chair of each Source Protection Authority and jointly re-submitted to the Minister of the Environment and Climate Change for approval with a target date of November, 2014.

Report prepared by: Beverley Thorpe, CTC Project Manager, extension 5577

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Emails: CBonner@creditvalleyca.ca

Date: June 04, 2014

Attachment: 1 Amended Proposed Water Quantity Policies

Item 6.3

TO: Chair and Members of the Source Protection Committee Meeting #5/14, September 23, 2014

FROM: Kathy Padgett, Planning Lead, TRSPA

RE: Amended Proposed Water QUALITY Policies

KEY ISSUE

The CTC SPC must consider comments on the Amended Proposed Groundwater Quality policies made during the 35 day consultation which closed August 22, 2014.

RECOMMENDATION

WHEREAS the CTC Source Protection Committee (SPC) has received comments during the 35 day public consultation on Amended Proposed Groundwater Quality policies as part of the consultation on the Amended Proposed Source Protection Plan for the CTC Source Protection Region;

AND WHEREAS staff has prepared an analysis of the comments and recommended actions to address the comments where required;

THEREFORE BE IT RESOLVED THAT the CTC SPC approves the staff recommendations for the Amended Proposed Groundwater Quality policies found in Attachment 1, subject to any further amendments made at Meeting #5/14, to be held on September 23, 2014;

AND FURTHER THAT staff be directed to report back at Meeting #6/14, at a date to be scheduled for CTC SPC approval of the final policy text prior to Chair Self being authorised to submit the Amended Proposed Source Protection Plan and revised Explanatory Document to the Chair of each Source Protection Authority.

BACKGROUND

At CTC SPC meeting #4/14, held on June 24, 2014, by RES. #29/14 the CTC SPC approved revised water quality policies as part of the CTC Amended Proposed Source Protection Plan for a 35 day public consultation.

Meeting August 22, 2014 with MOECC, MGCS, and TSSA on FUEL-3

MOECC arranged a meeting on August 22, 2014 at their offices to discuss several fuel policies including FUEL-3. In attendance were senior and technical staff from the MOECC, MGCS and TSSA: John Westlake, Ling Mark, Wendy Lavender and Kathryn Baker, (MOECC); Sarah Jeffrey-Hampton, Hussein Lalani, and Wiam Joudi (MGCS); Wilson Lee, and Jonathan Tsao (TSSA); and Beverley Thorpe and Kathy Padgett (TRCA).

There was consensus reached with TSSA and MGCS on revising wording of the fuel related policies to use terminology that better reflects terms used in the fuel regulation program. Further discussion of alternative approaches to achieving this may be warranted and staff is working on further options for consideration by the SPC at Meeting #5/14 to be held on September 23, 2014. MGCS and TSSA staff are also preparing comments on the draft Explanatory Document

related to policies where either agency is named. When received, these comments will be considered in the finalizing the Amended Explanatory Document (see related Item 6.4).

Consultation Comments

Pursuant to the 35 day public consultation, closing on August 22, 2014, staff received comments on CTC policies from all three Source Protection Authorities in the CTC Region, ten municipalities, five provincial ministries, two industries, three members of the general public, and three public interest/others.

Staff has analysed these comments and prepared tables which are found in **Attachment 1** outlining recommended policy wording and response to specific comments. Proposed Policies for which no amendments are proposed are in black text. The amendments to the Proposed Policies, which were provided for consultation, are shown in red text. Where the CTC SPC is being asked to make a decision to further revise a policy, these policies include staff recommended amendments in red text highlighted in yellow. Below each policy, is information on the comments received on the policy, who made the comments, and staff response to the comment.

Recommended Actions

Based on the comments received, there are a number of policies that staff recommends be discussed by the SPC:

- The addition of a general policy requiring inspections for all risk management plans (new GEN-8, and corresponding policies ASM-6, LIV-5, FER-5, GEN-5);
- The addition of a general policy requesting the consideration of incentive programs for all threat activities (new GEN-7 and corresponding policy PES-4);
- The removal of reference to Sodium and Chloride from policies SWG-17 and SWG-18 and the addition of new SWG-19;
- The consideration of alternate policy approaches as suggested through public consultation comments (WST-2, SWG-3, ASM-1, ASM-2, PES-2, SAL-1, FUEL-3, DNAP-1); and
- The addition of wording to expand the Existing Threat Activity Definition to specifically reference water quantity threats.

NEXT STEPS

Pending the CTC SPC decision on Quality policies, at Meeting #5/14, to be held on September 23, 2014, staff will revise the table found as **Attachment 1** to show all FINAL Amended Proposed Quality Policies. Staff will also prepare revised explanatory material where needed to provide additional rationale and explanation for individual Quality policies. For policies where the SPC is not yet in a position to make a final decision, staff will continue to work on preparing revisions for the CTC SPC approval at Meeting #6/14 to be scheduled.

Also at meeting #6/14 to be scheduled, staff will seek approval of the complete revised Amended Proposed Source Protection Plan and revised Explanatory Document. Following approval, the Amended Proposed Source Protection Plan and the revised Explanatory Document for the CTC Source Protection Region will be submitted to the Chair of each Source Protection Authority and jointly re-submitted to the Minister of the Environment and Climate Change for approval with a target date of November, 2014.

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Date: June 13, 2014

Attachment 1: Amended Water Quality Policies

Item 6.4

TO: Chair and Members of the Source Protection Committee Meeting #5/14, September 23, 2014

FROM: Beverley Thorpe, Project Manager, CTC Region

RE: **Establish a Working Group (WG) for the Amended Explanatory Document.**

KEY ISSUE

Establish a Working Group to oversee the review and completion of the Amended Explanatory Document to accompany the Amended Proposed Source Protection Plan.

RECOMMENDATION

WHEREAS staff of the Source Protection Programs Branch, Ministry of the Environment and Climate Change has advised CTC staff that further information should be included in the Amended Explanatory Document which is a required companion document to the Source Protection Plan;

AND WHEREAS staff has prepared initial draft revisions that were included in the public consultation on the Amended Source Protection Plan for the CTC Source Protection Region that ended on August 22, 2014;

AND WHEREAS further work is required to amend the Explanatory Document prior to seeking approval from the CTC SPC;

THEREFORE BE IT RESOLVED THAT the CTC SPC authorizes the formation of a Working Group (WG) composed of 3 to 6 CTC SPC members representing the three committee groupings (municipal, economic sectors and general interest) and Chair Self to work with staff to develop recommended revisions to the Explanatory Document for approval by the CTC SPC;

THAT the members who wish to be considered as members or Chair of the WG shall advise Chair Susan Self by end of meeting September 23, 2014;

THAT staff be directed to convene the necessary meetings and support the WG;

AND FURTHER THAT the WG reports back with their recommended revisions at Meeting #6/14, at a date to be scheduled, to seek CTC SPC approval of the amended Explanatory Document.

BACKGROUND

At Meeting #3/14 held June 24, 2014, the CTC SPC was advised that staff would produce additional draft Explanatory Document material to be included as part of the public consultation on the Amended Proposed Source Protection Plan and that formal CTC SPC approval of the revisions to the Explanatory Document would be sought at a later date.

The Explanatory Document was originally submitted as required along with the CTC Proposed

Source Protection Plan to the Minister of the Environment for approval on October 22, 2012. Ministry of the Environment staff had provided direction on the content and level of detail to be included. Since then ministry staff has evolved their direction to the SPC on the level of detail and type of information that should be included in the Explanatory Document. Also through CTC staff discussions with municipalities and other implementing bodies, it has become clear that it will be very helpful to them if there is additional information provided on the purpose of individual policies and examples of what actions might be considered by the implementing bodies to achieve the outcome intended by the CTC SPC in drafting the policy. While the information in the Explanatory Document is not legally binding, it will be a useful decision support tool for the Source Protection Plan.

Rationale for Establishing an Explanatory Document Working Group

The CTC SPC has not yet reviewed the draft content that was part of the public consultation. Staff had little time to prepare the draft revisions due to the timing of the ministry request for additional information. Further revisions to the draft material are required before the amended Explanatory Document can be presented to the CTC SPC for approval. Since the Explanatory Document is intended to provide the committee's rationale for their policies, it is necessary for the CTC SPC to approve the content. Any SPC member who wishes to provide comments on the current draft of the Explanatory Document is encourage to make comments to Kathy Padgett and they will be brought to the WG.

A WG will provide CTC staff the opportunity to present draft material and discuss in detail with interested representatives of the CTC SPC prior to preparing final revisions to the Explanatory Document for approval. Previous CTC SPC working groups have proven to be an excellent means to work through technical and policy matters.

Explanatory Document Working Group Composition

CTC staff recommends that the Explanatory Document WG (ED-WG) is composed of 3 to 6 CTC SPC members representing the three committee groupings (municipal, economic sectors and general interest) in addition to Chair Self who is as an ex-officio member of any working group. Staff from the ministry may be requested to attend to provide advice if the WG feels that this would aid their work.

It is requested that CTC SPC members who are willing to sit on the ED-WG (also if they wish to be the chair) **advise Chair Self by the end of the meeting on September 23, 2014**. WG members and Chair will be selected by Chair Self. WG members will receive per diems for meetings and review time and travel expenses to meetings in accordance with standard CTC SPC practice.

Tasks and Schedule

It is anticipated that no more than two meetings of one-half day duration each will be needed to discuss draft material and develop recommendations. In addition an equal amount of time is allocated to review of material in preparation for meetings. Participation via teleconference is possible if necessary for a member to participate. CTC staff will prepare and provide all necessary materials for review by the WG and for the CTC SPC approval. The work should be completed within four to six weeks of WG formation.

NEXT STEPS

Pending CTC SPC approval to form the WG and members being willing to participate, staff will prepare material and work with the WG Chair and members to convene the first meeting. The need for any additional meetings and timing will be determined with the WG members.

CTC SPC approval of the recommendations of the WG for revisions to the Explanatory Document will be sought at Meeting #6/14, at a date to be scheduled based on projected completion of the WG tasks and the other work required to complete revisions to the policies to be included in the Amended Proposed Source Protection Plan.

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Date: September 12, 2014